

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GARY WEINSTEIN, Individually and as
Representative of the Estate of JUDITH
WEINSTEIN, as Representative of the Estate
Of ALEXANDER WEINSTEIN, and as
Representative of the Estate of SAMUEL
WEINSTEIN,

Plaintiffs,

Case No. 2:07-cv-15000 PDB-RSW

vs.

UGS CORP.,

Defendant.

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**PLAINTIFFS' MOTION IN LIMINE NO. 2
MOTION IN LIMINE TO EXCLUDE EVIDENCE OF GARY WEINSTEIN'S
RELATIONSHIPS WITH WOMEN AFTER THE DEATH OF HIS WIFE**

Plaintiffs move *in limine* to exclude argument, testimony or other evidence prohibiting Defendant from introducing evidence or making any reference to whether Gary Weinstein has had relationships with or dated women since his wife's death, as the evidence is not relevant and any probative value it might have is substantially outweighed by its prejudicial effect. Fed. R. Evid. 402, 403. Further, Michigan law prohibits the introduction of such evidence, and that law governs in this diversity action. *Wood v. Detroit Edison Co.*, 408 Mich. 279, 286-87, 294 N.W.2d 571, 572-73 (Mich. 1980); *Bunda v. Hardwick*, 376 Mich. 640, 656, 138 N.W.3d 305, 313 (Mich. 1965) ("evidence of plaintiff's remarriage or the *probability* of her remarriage is irrelevant.").

Pursuant to E.D. Mich. LR 7.1, Plaintiff sought but did not obtain concurrence in the relief requested in this motion from counsel for Defendant.

WHEREFORE, Plaintiff requests that this Court enter an Order granting its Motion *in limine* to exclude argument, testimony or other evidence regarding Gary Weinstein's relationships with other women after the death of his wife.

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Date: September 30, 2010

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GARY WEINSTEIN, Individually and as
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**PLAINTIFFS' BRIEF IN SUPPORT OF ITS MOTION *IN LIMINE* NO. 2
MOTION IN LIMINE TO EXCLUDE EVIDENCE OF GARY WEINSTEIN'S
RELATIONSHIPS WITH WOMEN AFTER THE DEATH OF HIS WIFE**

QUESTION PRESENTED

Whether the Court should exclude argument, testimony or other evidence regarding Gary Weinstein's relationships with other women after the death of his wife because such evidence is irrelevant and would unfairly prejudice Plaintiffs.

Plaintiff says "Yes."

Defendant says "No."

CONTROLLING AUTHORITY

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INTRODUCTION

Plaintiff moves for an order to exclude argument, testimony or other evidence regarding Gary Weinstein's relationships with other women after the death of his wife. This evidence is not relevant to any issue in the case and must be precluded pursuant to Fed. R. Evid. 401, 402, and 403.

FACTS

This case involves a fatal accident that occurred on May 3, 2005 at approximately 3:30 p.m. on 12 Mile Road just east of Orchard Lake Road in Farmington Hills, Michigan. On this date, Tom Wellinger, after leaving his place of employment 45 minutes earlier, crashed into the rear end of a Honda driven by Judith Weinstein and her two sons Samuel and Alexander, ages 7 and 9. Judith, Alex and Samuel Weinstein were killed in the accident. Mr. Wellinger was intoxicated at the time of the accident and is in prison for causing the accident. Gary Weinstein, the husband of Judith and father of Alex and Samuel, is the personal representative of the Estate of Judith, Samuel and Alexander Weinstein. He has brought a wrongful death action against Mr. Wellinger's employer, UGS Corp. Gary Weinstein claims that UGS is directly liable for failing to supervise Mr. Wellinger, or vicariously liable for the negligent acts of Mr. Wellinger, through *respondeat superior*, because he claims Mr. Wellinger was acting in the course and scope of his employment by allegedly directing Mr. Wellinger to attend a medical appointment.

ARGUMENT

Plaintiffs request this Court enter a motion in limine prohibiting Defendant from introducing evidence or making any reference to whether Gary Weinstein has had relationships with or dated women since his wife's death, as the evidence is not relevant and any probative value it might have is substantially outweighed by its prejudicial

effect. Fed. R. Evid. 402, 403. Further, Michigan law prohibits the introduction of such evidence, and that law governs in this diversity action. *Wood v. Detroit Edison Co.*, 408 Mich. 279, 286-87, 294 N.W.2d 571, 572-73 (Mich. 1980); *Bunda v. Hardwick*, 376 Mich. 640, 656, 138 N.W.3d 305, 313 (Mich. 1965) (“evidence of plaintiff’s remarriage or the *probability* of her remarriage is irrelevant.”).

In *Wood*, the Michigan Supreme Court explained why evidence of a surviving spouse’s remarriage or subsequent relationships that could result in marriage should be excluded:

The rule in Michigan, and that followed by a majority of jurisdictions, is that “evidence of plaintiff’s remarriage or the probability of her remarriage is irrelevant and, therefore, was properly excluded, in determining the damages she suffered upon the death of her spouse”. (Emphasis supplied.) The rationale for the rule rests predominantly on three factors:

(1) A cause of action for wrongful death arises at the time of death. Thus, the amount of damages suffered is fixed as of that time and is to be determined as of that date.

(2) To allow evidence of a subsequent marriage to influence the amount of damages awarded for the loss of society and companionship of a prior marriage is highly speculative. Comparing one relationship to another in an attempt to determine damages invites qualitative inquiry inappropriate to the probing scrutiny of the trial court.

(3) Similar to the collateral source rule, evidence of the effects of a subsequent marriage should have no bearing on the amount due a plaintiff following a wrongful death. Compensation received from another source should not affect the responsibility owed to the injured party by the tortfeasor.

Evidence of the possibility of remarriage is held not admissible for the purpose of mitigating damages for essentially the same reasons.

Id. (footnotes omitted).

A federal court in Louisiana recently held federal courts should consider state laws that forbid evidence of remarriage, when ruling on a similar motion in limine.

Brossette v. Swift Transp. Co., No. 07-0888, 2008 WL 4809411, *2-3 (W.D. La. Oct. 29, 2008) (“diversity cases such as this one are governed by Louisiana law, which ‘forbids evidence of remarriage in a suit seeking damages for the loss of a spouse,’” quoting *Calderera v. Eastern Airlines, Inc.*, 705 F.2d 778, 782 (5th Cir. 1988)). In that case, the court clarified that the rule applies not just to remarriage, but any relationships or dating that occurred after the spouse’s death. *Id.*

Plaintiffs request the Court enter an Order granting the Motion in Limine to Exclude Evidence of Gary Weinstein’s Relationships with Women After the Death of his Wife; specifically, the romantic relationship he has had with his friend, Eileen, as discussed during his deposition on pages 33 and 34.

Date: September 30, 2010

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CERTIFICATE OF SERVICE

I hereby certify that on September 30, 2010, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

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GARY WEINSTEIN
March 25, 2009

<p style="text-align: right;">Page 1</p> <p>1 UNITED STATES DISTRICT COURT 2 EASTERN DISTRICT OF MICHIGAN 3 SOUTHERN DIVISION 4 5 GARY WEINSTEIN, Individually 6 and as Representative of the 7 Estate of JUDITH WEINSTEIN, 8 as Representative of the 9 Estate of ALEXANDER 10 WEINSTEIN, and as 11 Representative of the Estate 12 of SAMUEL WEINSTEIN, Case No. 13 Plaintiffs, 2:07-cv-15000 NGE-RSW 14 vs. Hon. Nancy G. Edmunds 15 UGS CORP., 16 Defendant. 17 18 19 20 The Deposition of GARY WEINSTEIN, 21 Taken at 39400 Woodward Avenue, Suite 200, 22 Bloomfield Hills, Michigan, 23 Commencing at 9:05 a.m., 24 Wednesday, March 25, 2009, 25 Before Amy C. Calkins, CSR-3593.</p>	<p style="text-align: right;">Page 3</p> <p>1 TABLE OF CONTENTS 2 3 WITNESS PAGE 4 5 GARY WEINSTEIN 6 7 EXAMINATION BY MS. SCHULTZ..... 5 8 9 EXHIBITS 10 11 EXHIBITS PAGE 12 (Exhibits attached to transcript.) 13 14 DEPOSITION EXHIBIT 66 39 15 DEPOSITION EXHIBIT 67 74 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES: 2 3 BARRY F. LAKRITZ 4 DANA LAKRITZ MARCUS 5 39400 Woodward Avenue 6 Suite 200 7 Bloomfield Hills, Michigan 48304 8 (248) 723-4746 9 Appearing on behalf of the Plaintiffs. 10 11 FRANK GUERRA, IV 12 Watts Law Firm 13 300 Convent, Suite 100 14 San Antonio, Texas 78205 15 (210) 527-0500 16 Appearing on behalf of the Plaintiffs. 17 18 BRITTANY M. SCHULTZ 19 Dykema Gossett PLLC 20 39577 Woodward Avenue 21 Suite 300 22 Bloomfield Hills, Michigan 48304 23 (248) 203-0700 24 Appearing on behalf of the Defendant. 25</p>	<p style="text-align: right;">Page 4</p> <p>1 Bloomfield Hills, Michigan 2 Wednesday, March 25, 2009 3 9:05 a.m. 4 5 GARY WEINSTEIN, 6 was thereupon called as a witness herein, and after 7 having first been duly sworn to testify to the truth, 8 the whole truth and nothing but the truth, was 9 examined and testified as follows: 10 MS. SCHULTZ: Good morning, Mr. Weinstein. 11 As I just introduced myself to you, I'm Brittany 12 Schultz. I represent the Defendant, UGS Siemens, in 13 this case and I'm going to take your deposition today. 14 My first question is, have you been deposed before? 15 THE WITNESS: No. 16 MS. SCHULTZ: The attorneys may have told 17 you some of the ground rules for a deposition, but 18 I'll just remind you. The first one is, I need a 19 verbal answer to all my questions instead of uh-huh or 20 huh-huh. I may know what you mean, but down the road 21 it will be hard to figure it out when I read the 22 transcript. 23 THE WITNESS: Clear. 24 MS. SCHULTZ: Second of all, if you don't 25 understand any of my questions, let me know and I'll</p>

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1 rephrase them so that you do understand, or at least
2 we'll get to a meeting point where hopefully we can
3 clarify it. And then lastly, if you need a break at
4 any time, just let me know and we'll take a break,
5 okay?

6 THE WITNESS: Okay.
7 EXAMINATION

8 BY MS. SCHULTZ:

9 Q. Would you state your name for the record, please?

10 A. Gary Weinstein.

11 Q. And where do you live, sir?

12 A. At 27971 Copper Creek Lane in Farmington Hills,
13 Michigan.

14 Q. And how long have you lived at that residence?

15 A. Since '03, September of '03.

16 Q. Does anyone live with you now?

17 A. No.

18 Q. Where did you live before the Copper -- did you say
19 Copper Creek?

20 A. Yes.

21 Q. Where did you live before Copper Creek?

22 A. Also in Farmington Hills, at Red Clover.

23 Q. And how long were you at the Red Clover address?

24 A. I think we were there for five years.

25 Q. And I presume you lived with your family at the time

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1 of this accident --

2 A.. Yes.

3 Q. -- at the Copper Creek address?

4 A. Yes.

5 Q. Any plans to move from the Copper Creek address?

6 A. No.

7 Q. Do you own any other homes, condominiums, apartments?

8 A. No.

9 Q. Where did you go to undergrad, if at all?

10 A. I'm a gemologist by trade. I went to the Gemological
11 Institute of America out in Santa Monica, California,
12 in '09 -- excuse me, in '89.

13 Q.. '89?

14 A. Excuse me, let me go back one more. It's actually
15 1979.

16 Q. And how long was that program or that course?

17 A. I was in California at the Gem Institute for about a
18 year.

19 Q. Did you live out there?

20 A. Yes.

21 Q. I take it you learned about stones and gems and --

22 A. Yep, and I'm a graduate gemologist.

23 Q. Do you need to do any type of continuing training in
24 that field?

25 A. Not to keep your -- not to keep my certification

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1 basically, but just to continue to update on gems in
2 the trade..

3 Q. Any other school or education besides gemology school?

4 A. No, just through high school.

5 Q. Where did you go to high school?

6 A. Southfield Lathrup.

7 Q. When did you graduate from high school?

8 A. In 1976.

9 Q. And what's your date of birth?

10 A. 7-23-57.

11 Q. You were obviously married?

12 A. I was.

13 Q. Other than Judy, who we'll talk about a little bit
14 later, had you been married before her?

15 A. No.

16 Q. She was your only --

17 A. Yes.

18 Q. And other than Samuel and Alex, any other children?

19 A. No.

20 Q. Your parents in the area, are they still living?

21 A. No, they are not.

22 Q. I'm sorry, they're not in the area?

23 A. They're not living.

24 Q. And any siblings in the area?

25 A. Yes.

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1 Q. What are their names?

2 A. I have my sister, Marsha Auflander, is still residing
3 in West Bloomfield, Michigan.

4 Q. Any other sisters or brothers?

5 A. Not in the area.

6 Q. Who are your other siblings?

7 A. I have -- Marsha is my oldest sister. I have a
8 brother, Sheldon Weinstein. I have a sister, Ruth
9 Kleinhuxle. I have a brother, Dave, and he's
10 currently residing in New York, and my recently
11 deceased brother, Ken. He was residing in Lake Tahoe,
12 Nevada.

13 Q. And where does Sheldon live?

14 A. Las Vegas right now.

15 Q. And where does Ruth live?

16 A. Near Grand Rapids, Michigan.

17 Q. And how would you describe your relationship with your
18 siblings?

19 A. Real well. We grew up as a pretty tight family, very
20 loving. We really -- in the past few years have
21 really created a close bond with each other. Of late
22 we've actually been initiating weekly conference calls
23 with the family to get everybody updated with what's
24 going on with each other. It's been quite a useful
25 tool to be in communication. Yeah, very loving, very

GARY WEINSTEIN
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1 **supportive.**
2 Q. What about your wife's family; do you maintain contact
3 with them?
4 **A. Yes.**
5 Q. Could you tell me who they are?
6 **A. Yes. She had a brother, Paul. He has a residence in**
7 **Kalamazoo, Michigan. I believe he's a retired banker.**
8 **I have -- she had two sisters. One of them is Ellen**
9 **Portnoy. She lives in the area, in Huntington Woods,**
10 **and the other sister is Barbara -- Barbara Stutz, and**
11 **she's currently residing in Franklin Hills, Michigan,**
12 **also in the area.**
13 Q. And how would you describe your relationships with
14 your wife's siblings?
15 **A. Yes, also very loving, very supportive. I really --**
16 **not only did I adopt them, they've clearly re-adopted**
17 **me after the crash. I don't consider them my**
18 **sisters-in-law or my brother-in-law. I really -- I**
19 **created a context around the relationship as being my**
20 **brother and my sisters and it seems to be -- it's a**
21 **very supportive relationship. I'd go -- I'm with them**
22 **for Thanksgiving always, try to make it for Mother's**
23 **Day, you know, try to stay connected with them, too.**
24 Q. When did you meet Judy?
25 **A. In 1984.**

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1 Q. And how soon after you met were you married?
2 **A. We met April 1st of '84. We were married in May --**
3 **May 19th of '85.**
4 Q.. And how did you meet?
5 **A. I tell the story, we met in a dark bar at a place**
6 **called Dylan's. It was on Woodward Avenue. They had**
7 **Oldies Night on Sunday night and it happened to be**
8 **April 1st and she had some friends who invited her to**
9 **the bar; music place, if you will, and I had some**
10 **friends who knew her friends that invited us --**
11 **invited me that evening also.**
12 **I remember it clearly. She was sitting**
13 **just at a table and I was listening to the music near**
14 **the tables and I recall having a memory of the night**
15 **before when I had dinner by myself at a local**
16 **establishment and I was trying to figure out what kind**
17 **of fish that was and I finally figured it out and I**
18 **turned to the closest person next to me and I said,**
19 **"Dover sole." She said, "Pardon me?" over the music,**
20 **and I assert that I fell instantly in love with her.**
21 **And we kind of gravitated to the dance floor and we**
22 **danced the rest of the night away, and before she left**
23 **that evening she gave me her phone number. She said,**
24 **"Call me."**
25 Q. And you were married about a year later?

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1 **A. Yes.**
2 Q. How soon after you were married did you have children?
3 **A. Sam -- excuse me, Alex was our first child. He was**
4 **born in November of '92, so that's seven years --**
5 **seven and a half years.**
6 Q. Sounds about right. And what about Samuel?
7 **A. Sam was two and a half years later, July of '95.**
8 Q. Can you describe for me, Gary, your relationship with
9 your wife?
10 **A. I would say we were always in love with each other.**
11 **She was clearly my best friend and she was also really**
12 **my coach, literally my coach. She was my business**
13 **coach. That was her practice as a professional, and,**
14 **you know, not -- she was able clearly to separate the**
15 **difference between me being her husband and me being a**
16 **client, and the way she would be able to do that and**
17 **support me absolutely in all areas was really**
18 **breathhtaking to have a relationship like that.**
19 **Certainly there was this degree of love**
20 **that I have not seen anywhere. It was something we**
21 **created in our relationship and carried it on to**
22 **our -- to the sons. We wouldn't depart from each**
23 **other without giving each other a kiss and telling**
24 **each other we loved each other, including that last**
25 **day. Very loving.**

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1 Q. Did you and your wife ever go through any type of
2 marital counseling?
3 **A. No.**
4 Q. Ever discuss divorce or separation?
5 **A. No. There was at one time, probably after being**
6 **married for -- I'm going to guess it was 12 years.**
7 **There was someone who caught her eye and she**
8 **questioned if she was still in love with me and I**
9 **think that she may have struggled with the**
10 **relationship she had -- this was a client, actually, I**
11 **think I would describe him as, and we talked openly**
12 **about it. She knew she was still in love with me, yet**
13 **this guy had -- I guess in hindsight I refer to it as**
14 **someone was paying more attention to her than I was.**
15 **I think I was getting wrapped up in my own business**
16 **and thinking things were handled and forgot what it**
17 **takes in a relationship, and that was certainly an**
18 **eye-opener.**
19 **It probably lasted, as I recall it,**
20 **probably a couple of months, and at the end of it we**
21 **actually had the gentleman over and the three of us**
22 **sat down -- actually, the four of us, because shortly**
23 **after he created a new relationship with someone else**
24 **and he brought his new lady friend and we all sat down**
25 **and had a good conversation about supportive**

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<p style="text-align: right;">Page 13</p> <p>1 relationships. And this other gentleman has still 2 been in communication with me. He's married. He's 3 got a couple kids. We have a good relationship. 4 There's something we truly just created for ourselves, 5 even before the crash, knowing that there was some 6 attachment there and relationship there. We kind of 7 adopted him as a good family friend and he still is 8 that.</p> <p>9 Q. What is this gentleman's name? 10 A. Draniak (sp). Daniel Draniak. 11 Q. Mr. Weinstein, was it your impression or your 12 understanding that -- I can't pronounce his name, Mr. 13 Jeraniak? 14 A. With a D. 15 Q. Draniak and your wife had a relationship beyond -- was 16 it something physical or -- 17 A. No, it wasn't physical, wasn't physical. It was 18 more -- I refer to it as an intellectual relationship. 19 She was -- she graduated from law school cum laude, 20 and again, I barely made it out of high school is the 21 way I refer to myself. I think that there was always 22 this, you know -- perhaps I'll call it a need that she 23 might have wanted somebody intellectually to have 24 conversations with and I think she found that in this 25 gentleman, also quite a bright young man at the time,</p>	<p style="text-align: right;">Page 15</p> <p>1 Q. So she was about two years older than you? 2 A. She was two years older than me. 3 Q. So let's talk about Alex. 4 A. Okay. 5 Q. Alex was born in November, 1992? 6 A. Yes. 7 Q. And where did he go to school? 8 A. His first school, elementary school, he went to -- 9 actually that might have been his second school. We 10 actually had him enrolled in the Montessori school 11 when he was four years old. It was evident he was 12 quite bright right away. Sunshine Montessori or 13 something like that, and then on to Leonhard 14 Elementary School, which happened to be back in the 15 same old neighborhood where I went to elementary 16 school. We lived there until he was in the fourth 17 grade. Yes, I think that's accurate. And then we 18 moved to Farmington Hills. That Leonhard Elementary 19 School is in Southfield. 20 And then we moved when he was in the fourth 21 grade, I believe it was, to Farmington Hills, where he 22 was at the Kenbrook Elementary School. Then we had 23 him move on to the middle school, which was Dunkel 24 Middle School in Farmington Hills, and that's where he 25 was at the time of the crash. That's where he was</p>
<p style="text-align: right;">Page 14</p> <p>1 and I think that that's what was attractive. 2 Q. So this whole event, I'll call it, lasted maybe a 3 couple months, tops? 4 A. Yeah, that's all I recall. 5 Q. And then you all sat down and resolved your 6 differences? 7 A. Yes. 8 Q. And -- 9 A. And she re-committed to me and the family and -- yeah. 10 Q. Other than that, were there any other differences 11 or -- 12 A. No. 13 Q. -- discussions of separating or having marital issues? 14 A. No. 15 Q. What about -- I know we talked about your wife. What 16 about with you? 17 A. No. I was so in love with my wife. I -- I was 18 clearly different than so many of my buddies where -- 19 I didn't -- I never had roaming eyes. I never -- she 20 was my queen. She referred to herself as the queen. 21 She was just -- she was everything I ever wanted. 22 Q. Were you and your wife -- well, how old was your wife? 23 A. At the time of the crash? 24 Q. That was a bad question. When was your wife born? 25 A. Thank you. June 22nd of '55.</p>	<p style="text-align: right;">Page 16</p> <p>1 going to school at the time of the crash. He was in 2 the seventh grade. 3 Q. Can you tell me what type of student Alex was? 4 A. Excellent. Not only was he exceptional in his 5 schooling, I believe that in the year before the crash 6 when he was in the sixth grade he was enrolled in a 7 French class, taking French, and he requested to go on 8 the field trip to France in sixth grade. Judy and I 9 both looked at each other and said, "We never went to 10 France," and the teacher said, "We don't have too many 11 sixth graders who are even interested in going to 12 France." But he was clearly -- he was clearly an 13 entrepreneur. 14 He was clearly somebody with a vision of 15 world peace, and he had this interesting attribute, 16 and I think I knew of it, but certainly after the 17 crash it became even more solidified when so many of 18 the teachers at the school shared with me that even 19 though they didn't have him in their class, he had 20 this characteristic about him where between classes, 21 as he was going from one to the other, he would stop 22 into most of the classrooms and the counselor's office 23 and the principal's office and say good morning or say 24 hello and with a smile, "Have a bright day." 25 One of the stories I like to recall is one</p>

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<p style="text-align: right;">Page 17</p> <p>1 day I picked them up at school, after school, and he</p> <p>2 was visually sad and I asked what was the matter and</p> <p>3 he shared with me between the tears that some kids</p> <p>4 were making fun of him and I asked why would they do</p> <p>5 that. He didn't have an explanation for it. He said,</p> <p>6 "All I was doing was going down the hall singing," and</p> <p>7 they teased him about that. And with the knowledge</p> <p>8 I'm afraid I have some history of is, you can't make</p> <p>9 everybody happy. And he was just so committed to --</p> <p>10 to making people laugh and having a good time.</p> <p>11 Q. What were some of the hobbies that he liked to do?</p> <p>12 A. He was an actor. He -- whenever there was a family</p> <p>13 gathering, he would -- if there were other kids</p> <p>14 around, including his brother, he'd enroll them in</p> <p>15 little skits. Or at the time there were these shows</p> <p>16 on TV.. I guess one of them was called Fear Factor or</p> <p>17 something, where the host would make the contestants</p> <p>18 do interesting or unusual or dangerous things, even.</p> <p>19 I remember I think it was New Year's '04-'05 we were</p> <p>20 together with some of our regular friends and he put</p> <p>21 on this Fear Factor show, and I remember he smeared</p> <p>22 some -- what's the stuff with the sushi, the green --</p> <p>23 MR. GUERRA: Moussaka?</p> <p>24 MS. SCHULTZ:</p> <p>25 Q. Moussaka?</p>	<p style="text-align: right;">Page 19</p> <p>1 start my own ice cream vending company." I said okay..</p> <p>2 He said, "Can we go to the store and buy some ice</p> <p>3 cream?" and I had to go slow him down and tell him we</p> <p>4 can't just go to Kroger's or the grocery store and buy</p> <p>5 ice cream. "Your profit margin won't be any good."</p> <p>6 And you could see the wheels turning, and he said,</p> <p>7 "All right. Then let's go to Wal-Mart." I said,</p> <p>8 "That's better, but let me tell you about the ice</p> <p>9 cream wholesaler." And he says -- you could see his</p> <p>10 eyes light up.</p> <p>11 And we looked in the phone book and we went</p> <p>12 and found Pars Ice Cream wholesalers and I took my</p> <p>13 business license so they would sell it to me wholesale</p> <p>14 and we took -- I took Alex and I took Sam and we went</p> <p>15 down there, and they've got this full list of all the</p> <p>16 kinds of ice cream and ice cream bars that they wanted</p> <p>17 to buy. And we must have bought, I don't know, 150,</p> <p>18 180 pieces of ice cream, you know. They come in boxes</p> <p>19 of a dozen or two dozen. They paid for it with their</p> <p>20 own allowance that they kept saving.</p> <p>21 Sam was partners in the venture. We had a</p> <p>22 big -- extra freezer that we put it all in and when we</p> <p>23 got home they created a little business. They put it</p> <p>24 in the ice chest. They put the ice chest on the wagon</p> <p>25 and they started pulling it down the street. He came</p>
<p style="text-align: right;">Page 18</p> <p>1 A. He smeared a bunch of the moussaka on a piece of toast</p> <p>2 or something and fed it to his little brother and --</p> <p>3 Q. He was doing his own Fear Factor show?</p> <p>4 A. Right, right, right, with three or four kids lined up</p> <p>5 at the table and he was giving them all. Usually it</p> <p>6 was a little more benign than that, just maybe a skit.</p> <p>7 And he'd write his own skit. I taught him early,</p> <p>8 having some theater background myself, that you need</p> <p>9 to have a beginning, a middle and end to any</p> <p>10 performance and the way he took that and he taught it</p> <p>11 to the other kids and -- yeah, he was quite a</p> <p>12 performer.</p> <p>13 One of the other hobbies -- as I say, an</p> <p>14 entrepreneur, I referred to him as. There was an</p> <p>15 experience where he came to me after we moved into</p> <p>16 this latest house on Copper Creek and he came to me</p> <p>17 and he says, "Dad, the ice cream truck never seems to</p> <p>18 come down our block." And I explained to him the</p> <p>19 world of economics and said, "Well, in this</p> <p>20 neighborhood compared to our old neighborhood there</p> <p>21 are not as many homes. They're further apart.. The</p> <p>22 lots are bigger and the ice cream truck prefers</p> <p>23 smaller neighborhoods with smaller houses so they can</p> <p>24 go by more of them."</p> <p>25 And then he says, "Well, then, I want to</p>	<p style="text-align: right;">Page 20</p> <p>1 up with the idea of going online and pulling up the</p> <p>2 music that the ice cream truck plays and put that --</p> <p>3 recorded it on the cassette tape and Sam would carry</p> <p>4 the recorder with the music turned up as loud as he</p> <p>5 could and Alex would pull the cart and they went down</p> <p>6 the street and they sold ice cream.</p> <p>7 Unfortunately by the time they got to the</p> <p>8 end of the street -- it was a warm day and when they</p> <p>9 sold it at the end of the street it was already</p> <p>10 partially melted so they had to rush back home and</p> <p>11 take fresh stuff out of the freezer and then go and</p> <p>12 deliver it and they had a little loss that first day.</p> <p>13 We actually kept eating ice cream -- we ate ice cream</p> <p>14 for the next three months, right on through winter.</p> <p>15 We started it in late August and school was starting</p> <p>16 soon and it was a short selling season.</p> <p>17 Q. Mr. Weinstein, what type of grades did Alex get in</p> <p>18 school?</p> <p>19 A. Yeah, all As, maybe a couple Bs, but I think -- I have</p> <p>20 the report cards still. They were both -- Sam was</p> <p>21 a -- Alex's were exceptional. Both were exceptional</p> <p>22 students, great readers, real good at math, real</p> <p>23 interested in science, yeah.</p> <p>24 Q. Did Alex ever mention what he wanted to be when he</p> <p>25 grew up?</p>

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<p style="text-align: right;">Page 21</p> <p>1 A. I think he was looking to be an actor, a performer, 2 making people happy. Clearly he had this business 3 sense. He was quite interested in being a chef. He 4 was a regular watcher of the Food Channel at ten, 11, 5 12 years old. We were promising that we'd try and get 6 him a position at one of the local restaurants as an 7 apprentice. 8 Q. I'd like to talk about Samuel. 9 A. Yep. 10 Q. Can you tell me where he went to school? 11 A. We also had him at a young age enrolled in a 12 Montessori program. Farmington Hills Montessori I 13 believe is the name of the place where we actually had 14 him at. 15 Q. Is Montessori a preschool? 16 A. Yes. And then on to -- I think he started right in 17 kindergarten at the Kenbrook Elementary School. He 18 might have been in kindergarten at Leonhard, but 19 early -- he was at Kenbrook for -- it seems like 20 kindergarten through third grade, and then in fourth 21 grade when we actually moved to -- he was in the 22 fourth grade when we moved to the Copper Creek address 23 and then he was enrolled in a different elementary 24 school, Hillside. Hillside Elementary School is where 25 he was going to school at. He was in the fourth grade</p>	<p style="text-align: right;">Page 23</p> <p>1 Q. And did Sam ever say what he wanted to do when he grew 2 up? 3 A. Yep, very clearly. He was going to be a running back 4 for the Detroit Lions and then when he got -- he was 5 going to go to Michigan State, be a star football 6 player, be a running back for the Detroit Lions and 7 then he was going to come and work at the jewelry 8 store, be a jeweler. 9 Q. With you? 10 A. Yes. 11 Q. Mr. Weinstein, I have a list of some of the medical 12 providers to Alex and Sam and I just kind of want to 13 ask you what their role is. 14 A. Sure. 15 Q. We'll start with Alex. There's Dr. Murphy. That 16 looks like their dentist? 17 A. Yes. 18 Q. Dr. Eric Mintz? 19 A. Yes. He's the family chiropractor. I want to preface 20 who he is by the type of chiro practice that he does, 21 which is quite unusual. He does something called 22 network spinal analysis. It's not a manipulation of 23 the spine or of the body. It's more of a gentle 24 touching along the spine and the nervous system. The 25 concept is that it opens up lines of communication</p>
<p style="text-align: right;">Page 22</p> <p>1 at the time of the crash. 2 Q. And can you tell me how Samuel's performance was in 3 school? 4 A. His performance? 5 Q. Grades and things like that. 6 A. Yeah. He was an exceptional student also. One of my 7 most vivid memories is in first, second -- first and 8 second grade when there was book time in the class. 9 The teacher used to tell the story that she used to 10 have Sam read to the class. He was one of the real 11 early readers and she could sit back and let him -- or 12 almost lead the class with -- at reading time. Yeah, 13 very -- also very bright student. I think he found 14 school very -- came very easy to him. 15 Q. What type of hobbies did Sam -- 16 A. He was the athlete. He enjoyed football, hockey, 17 rollerblading hockey, basketball. He was for a couple 18 of seasons on a, you know, peewee basketball team. 19 Quite a shooter, too.. He enjoyed golf. 20 He also did -- when his older brother was 21 in some of the community plays, the theater, he wanted 22 to be with his brother so much he actually did a 23 couple performances at the community theater with his 24 brother, playing, you know, maybe a little smaller 25 role, but at least they could be together.</p>	<p style="text-align: right;">Page 24</p> <p>1 between your spine and your brain so that the body can 2 basically heal itself. 3 We -- Judy and I were involved in this 4 practice and the doctor -- Dr. Mintz does do work on a 5 number of young people and we found it to be 6 beneficial for ourselves, and the children found they 7 had increased balance and sense of awareness of their 8 body after having been in this practice. 9 Q. And how long would the session usually last? 10 A. I think that they are -- they were 15, 20-minute 11 sessions. Maybe once a week Judy would go and the 12 boys might be with her and the doctor would treat them 13 all. 14 Q. So I mean, is it fair to say the kids would go to Dr. 15 Mintz once a week, once a month? 16 A. I would say maybe it's twice a month for probably a 17 couple of years, each of them. 18 Q. Were they going to Dr. Mintz in 2005? 19 A. Yes, I believe that he did see them in '05. 20 Q. Do you see Dr. Mintz, too? 21 A. Yes. 22 Q. Do you still see Dr. Mintz? 23 A. Yes. 24 Q. And is it the same deal, 15- to 20-minute session? 25 A. Yes.</p>

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<p style="text-align: right;">Page 25</p> <p>1 Q. So other than -- is this like a holistic medicine type 2 of deal?</p> <p>3 A. I might refer to it like that. I don't know if he 4 necessarily does, but clearly it's a -- as I saw it, 5 it was an alternative to taking medication. The 6 doctor is not a big medication kind of guy and I think 7 that -- like I say, I think the concept was very well 8 coming to Judy and I as a -- we always felt that our 9 bodies could heal themselves and if we could just keep 10 it functioning properly, that that would be a good 11 tool to do that.</p> <p>12 Q. Okay. So when did you start -- or when did the family 13 start seeing Dr. Mintz?</p> <p>14 A. I know my personal experience was -- I think it must 15 have been Sam's -- I'm going to guess it was his fifth 16 or sixth birthday. It was a skating party at the 17 rollerblading/skateboard place, the Vans Skateboard. 18 And I used to be good on a skateboard. I fell that 19 day and injured my shoulder.</p> <p>20 I tried putting ice and heat on it for 21 three days and I was -- it was still inoperable. Judy 22 had been seeing the doctor at this time, so I'm 23 thinking this must have been around year 2000, maybe 24 2001, and she suggested I go see him.</p> <p>25 After a couple visits, I had a complete</p>	<p style="text-align: right;">Page 27</p> <p>1 or not, and they always chose to go and see him, so...</p> <p>2 Q. All right. Dr. Lakshmi --</p> <p>3 A. Yeah, Dr. Lakshmi Kaza was their pediatrician for both 4 of them for as long as I believe they -- she was -- I 5 don't know if she was the doctor who delivered them, 6 but certainly early on in childhood she was their 7 doctor up until the time of the crash.</p> <p>8 Q. And Dr. Jusino?</p> <p>9 A. Jusino was the orthodontist. Alex had braces and Sam 10 was just starting with Dr. Jusino. I think he already 11 had his also -- or his first set. That is the doctor 12 who they were on the way to see the day of the crash.</p> <p>13 Q. And under Sam I have Botsford Hospital written down.</p> <p>14 A. Right. There was an incident. I want to say it was 15 in '03 -- probably in '03, where I had taken the boys 16 out to the golf course and there was an accident where 17 Sam basically fell off of the golf cart that we were 18 riding in. It hit a bump and he took a tumble over 19 the side and had a little road rash on the side of his 20 head, and that was the only time I knew he had any 21 medical treatment.</p> <p>22 We took him into the hospital. They just 23 cleaned him up, bandaged him and sent him home. No 24 recurring incident. He was fine, just -- that was the 25 only experience I recall of either of them being in a</p>
<p style="text-align: right;">Page 26</p> <p>1 turnaround in my condition. My shoulder, my arm was 2 clearly functional again. I was able to resume 3 regular activities, including my golf, which is my 4 hobby. Working at my workbench at the jewelry store 5 was no longer hampered, and I continued to see him for 6 treatments myself for that first -- probably first 7 eight months or so. I discontinued going to him after 8 that, just thinking, you know, maybe I can save a 9 little money by not seeing him.</p> <p>10 I think at this time the boys had been 11 going already also, so I want to say they may not have 12 been seeing him any earlier than their fifth or sixth 13 birthdays. I don't have any recollection that they 14 were being seen by him any earlier than that. She -- 15 Judy may have taken the boys there earlier, but I 16 don't think I have any recollection.</p> <p>17 Again, my recollection about me is that 18 that was the first time I saw him, and I've stopped on 19 and off, but clearly I keep coming back to him to get 20 tuned up or adjusted, if you will. I notice my 21 balance is better while seeing him, my frame of mind, 22 my -- I feel healthier, I guess, is a good way for me 23 to describe what he provides for me, and I think the 24 boys had that same sensation. We gave them free rein 25 if they wanted to go or not go or have the treatment</p>	<p style="text-align: right;">Page 28</p> <p>1 hospital or other treatment.</p> <p>2 Q. That was kind of my next question for Alex and Sam. 3 Did they have any medical conditions or 4 hospitalizations --</p> <p>5 A. No.</p> <p>6 Q. -- or anything significant?</p> <p>7 A. No, both very healthy.</p> <p>8 Q. No diseases?</p> <p>9 A. Huh-huh.</p> <p>10 Q. For Judy I have Dr. Reid Kavieff. Who is that?</p> <p>11 A. When the question was asked about the doctors that 12 Judy had, admittedly I didn't pay a lot of attention 13 to which doctors she was seeing and which doctors she 14 wasn't seeing. When the question was posed to me, 15 though, I went to my bank register, basically, and 16 some old papers, medical records. Nothing 17 significant. I'm not real sure who those doctors 18 really are. I just see that she saw them 19 infrequently. I think a couple of the names you have 20 there I really don't know who they are. I just saw 21 that there was some small payment and there was 22 nothing ongoing to any of them.</p> <p>23 I know that she was -- she was always 24 interested in holistic medication. She was always 25 being vigilant about taking good care of herself and</p>

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<p style="text-align: right;">Page 29</p> <p>1 cleaning -- keeping her system clean and eating well. 2 I know that in that realm she would -- at the time of 3 going through her life-changing of her body, she was 4 doing everything she could to avoid the mood swings 5 and trying to change her diet and checking out 6 different doctors so that she could facilitate her 7 health in the best way. 8 And so the names I gave you there, I really 9 don't know who they are. For the most part you can 10 ask the other names, but that name I really don't know 11 who it is. 12 Q. Let me ask you this way: Are you aware of any medical 13 condition that Judy had that she was obtaining regular 14 medical treatment? 15 A. No. 16 Q. No diseases or ailment that she was treating? 17 A. No. 18 Q. Was she seeing a psychologist or a psychiatrist, to 19 your knowledge? 20 A. No. 21 Q. What about the two boys? 22 A. No. 23 Q. I want to talk about you now. We've talked about Dr. 24 Mintz. I'm assuming Dr. Murphy is your dentist as 25 well?</p>	<p style="text-align: right;">Page 31</p> <p>1 A. My attorney, Barry Lakritz. 2 Q. And when was that recommendation made? 3 A. Shortly after the crash, probably in June of '05. 4 Q. So the recommendation to Dr. Schiff wasn't made by 5 your primary care physician -- 6 A. No. 7 Q. -- or some other doctor you were seeing? 8 A. No. 9 Q. Then you went to see Dr. Schiff six times or so and it 10 sounds like you were unsatisfied with the type of -- 11 her techniques that she used? 12 A. Yes. 13 Q. And did you see her -- you said four to six months. 14 Was that in 2005? 15 A. Yes. 16 Q. Was Dr. Schiff able to prescribe medications? 17 A. Was she able to? She may have been able to. I did 18 not -- she did not prescribe any medication to me. 19 Q. Did you ask for any type of medication? 20 A. No. 21 Q. Do you know if Dr. Schiff ever diagnosed you with any 22 clinical depression or some psychological -- 23 A. I don't believe she did. I don't know of any. 24 Q. So then when did you go to Dr. Ziv? 25 A. After I discontinued with Barbara Schiff. It was</p>
<p style="text-align: right;">Page 30</p> <p>1 A. Yes. 2 Q. Dr. Schiff and Dr. Ziv? 3 A. Yes. 4 Q. Those are both psychological -- 5 A. Yes. It was suggested that I seek some counseling 6 after the crash. My first doctor I saw was Dr. Schiff 7 of Birmingham, Michigan. I met with her -- maybe it 8 was a half a dozen times over a period of four to six 9 months. They were sessions of just, you know, making 10 sure, as I saw it, that I was well, that I was -- you 11 know, that I could be counted on not to be, I don't 12 know -- being willing -- I considered it an 13 opportunity to make sure that I was taking good care 14 of myself, making sure that if there was anything to 15 be said that I had a professional there to hear. 16 I found Dr. Schiff to be a little 17 impersonal in her technique and I found another 18 doctor, Dr. Ziv, Talia Ziv, who knew Judy. She knew 19 the boys, so it was clearly a bit more of a personal 20 relationship and it was a little bit more rewarding 21 and satisfying. And also, again, it was a real good 22 practice for me to, again, stay in touch with what I 23 was trying to live through. 24 Q. Let me ask you a couple questions. One, who suggested 25 that you see Dr. Schiff?</p>	<p style="text-align: right;">Page 32</p> <p>1 probably -- oh, I'm going to guess it was -- I don't 2 know the date. I would say it was probably a month or 3 two after that, and saw Dr. -- saw Talia Ziv for 4 probably six months after that, on and off -- maybe 5 six to eight months, spanning out a little longer 6 period of time into '06. I think I discontinued 7 seeing her in '06, maybe early '07. 8 Q. So you left Schiff, you went to Ziv. You saw her for 9 about six to eight months -- 10 A. Yep. 11 Q. -- which may have went into 2006 sometime? 12 A. Yes. 13 Q. And for those six to eight months that you saw Ziv, 14 how often would you see her? 15 A. Once a month. 16 Q. Was that an hour session? 17 A. Yes. 18 Q. Fifty minutes? 19 A. Yes. 20 Q. And how is it that you knew to go to Dr. Ziv? 21 A. I think that -- I don't recall. I think I knew of her 22 as being, like I say, a friend of Judy's and a friend 23 of the family's. We have some mutual acquaintances. 24 I think maybe sharing with some of my friends, they 25 told me about the practice that she has and I called</p>

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<p style="text-align: right;">Page 33</p> <p>1 her.</p> <p>2 Q. This wasn't a recommendation by Mr. Lakritz?</p> <p>3 A. No.</p> <p>4 Q. And why did you discontinue seeing Dr. Ziv?</p> <p>5 A. I found myself to be getting support that I needed in</p> <p>6 a friend in my family and my friends such that I</p> <p>7 didn't think I needed to continue with a professional.</p> <p>8 Q. After discontinuing your treatment with Dr. Ziv, have</p> <p>9 you sought any other professional medical treatment or</p> <p>10 psychological treatment?</p> <p>11 A. No.</p> <p>12 Q. As far as you know, have you ever been clinically</p> <p>13 diagnosed with depression?</p> <p>14 A. No.</p> <p>15 Q. Mr. Weinstein, I've obtained Dr. Ziv's medical records</p> <p>16 and she has handwriting that's kind of hard to</p> <p>17 decipher, so I haven't been able to interpret all of</p> <p>18 it and I'm not going to ask you to do that, but I do</p> <p>19 see a reference to an Eileen?</p> <p>20 A. Yes.</p> <p>21 Q. Who is Eileen?</p> <p>22 A. Eileen is an old family acquaintance. I knew her in</p> <p>23 high school. She actually didn't go to my high</p> <p>24 school. She actually -- at the time when I was in</p> <p>25 high school she lived in New York. She was my high</p>	<p style="text-align: right;">Page 35</p> <p>1 five-minute break, I'd appreciate it.</p> <p>2 MS. SCHULTZ: We can take a break now.</p> <p>3 (Off the record at 9:55 a.m.)</p> <p>4 (Back on the record at 10:00 a.m.)</p> <p>5 BY MS. SCHULTZ:</p> <p>6 Q. Mr. Weinstein, I was asking you about Dr. Hershel</p> <p>7 Sandberg. Can you tell me who that is?</p> <p>8 A. That's my -- that's my personal physician.</p> <p>9 Q. Have you had any treatment with Dr. Sandberg, anything</p> <p>10 related to this accident?</p> <p>11 A. None.</p> <p>12 Q. What about Dr. Mayo?</p> <p>13 A. Dr. Mayo?</p> <p>14 Q. David Mayo.</p> <p>15 A. I don't recall.</p> <p>16 Q. You don't remember any treatment with him or anything?</p> <p>17 A. No.</p> <p>18 Q. Dr. Nate Kleinfeldt?</p> <p>19 A. Oh, Kleinfeldt is my eye doctor currently.</p> <p>20 Q. Dr. Michael Gray? I've heard the commercials.</p> <p>21 A. Right. He's a -- I think he's a plastic surgeon.</p> <p>22 There was some fatty tissue lump on my inner thigh I</p> <p>23 had removed last year.</p> <p>24 Q. And that's it?</p> <p>25 A. Yeah.</p>
<p style="text-align: right;">Page 34</p> <p>1 school prom date. We were -- we had a long distance</p> <p>2 relationship in 1976 through 1978 when I was 18</p> <p>3 through 20, and she lived in New York and we pretty</p> <p>4 much lost touch with each other after the year of</p> <p>5 1978. I think I knew that she had gotten married. I</p> <p>6 knew her father because I obviously had met him over</p> <p>7 those years as a teenager and I kind of just lost</p> <p>8 touch with her, but she is -- she's a good friend now,</p> <p>9 very comforting. Again, an old family friend that</p> <p>10 really helps me cope with what I'm trying to get</p> <p>11 through.</p> <p>12 Q. Any romantic relationship with Eileen?</p> <p>13 A. Yes. It's been evolving slowly. There is certainly</p> <p>14 some romantic, close, intimate relationships with her</p> <p>15 over the last three years.</p> <p>16 Q. Does she live in the area?</p> <p>17 A. No.</p> <p>18 Q. Where does --</p> <p>19 A. She's currently residing in Las Vegas, Nevada.</p> <p>20 Q. I'm getting sidetracked here, but other than having a</p> <p>21 romantic relationship with Eileen, is there any other</p> <p>22 female that you've been involved with in a romantic</p> <p>23 way?</p> <p>24 A. No.</p> <p>25 MR. GUERRA: When we get to a place for a</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. No botox or --</p> <p>2 A. No.</p> <p>3 Q. What kind of hobbies do you do now?</p> <p>4 A. Golf.</p> <p>5 Q. Good golfer?</p> <p>6 A. Good golfer, single-digit handicap.</p> <p>7 Q. And how often, I guess -- yeah, how often do you golf?</p> <p>8 A. I try to play two to three times a week if I can;</p> <p>9 otherwise, I practice every day.</p> <p>10 Q. I know in Michigan two or three times a week is kind</p> <p>11 of hard, so do you go places to play?</p> <p>12 A. I have been traveling, yes.</p> <p>13 Q. And have you been -- how long have you been doing</p> <p>14 that?</p> <p>15 A. I've been doing -- I did it before the crash and</p> <p>16 probably a little less frequently the game, but even</p> <p>17 still, even before the crash it was certainly Sundays</p> <p>18 and I would try to play -- at one time I was the</p> <p>19 president of the Jewelers Golf League, so -- I always</p> <p>20 tried to get other jewelers out and play, so that</p> <p>21 would be once during the week and I'd always try to</p> <p>22 play twice a week even before the crash..</p> <p>23 Q. What about after?</p> <p>24 A. Like I say, I probably elevated my game and I've been</p> <p>25 playing, like I say, probably three or four times a</p>

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<p style="text-align: right;">Page 37</p> <p>1 week.</p> <p>2 Q. And where do you go in the winter months when you</p> <p>3 can't play here?</p> <p>4 A. I do go to Florida. I've got some family in Florida,</p> <p>5 Fort Lauderdale area. I have my uncle and my brother</p> <p>6 out in Las Vegas and I go out there periodically. I</p> <p>7 have done some traveling with -- there has been a</p> <p>8 couple of groups, either my buddies or other golf tour</p> <p>9 groups basically that have gone to different places</p> <p>10 around the country and I've gone to a couple of those.</p> <p>11 Q. And what about in Michigan; is there a particular</p> <p>12 course that you play?</p> <p>13 A. I'm a member at Oakland University Club --</p> <p>14 Q. Is that Meadowbrook?</p> <p>15 A. -- in Rochester Hills.</p> <p>16 Q. Is that the Meadowbrook --</p> <p>17 A. It is the Meadowbrook Club. I'll make the</p> <p>18 distinction. There's a club called Meadowbrook.</p> <p>19 That's not this. This is at Meadowbrook Hall, so a</p> <p>20 lot of people do refer to it as the Meadowbrook</p> <p>21 course.</p> <p>22 Q. There's a Meadowbrook Country Club and then there's</p> <p>23 the Oakland U course at Meadowbrook?</p> <p>24 A. Yes.</p> <p>25 Q. I got it. Anywhere else that you play regularly?</p>	<p style="text-align: right;">Page 39</p> <p>1 with me periodically to make sure that I'm doing well</p> <p>2 and I think she finds some benefit for herself in it,</p> <p>3 too, being in communication with me.</p> <p>4 Q. Mr. Weinstein, are you involved in any type of -- I</p> <p>5 was handed this morning this document which I'll mark</p> <p>6 as Exhibit 66.</p> <p>7 MARKED FOR IDENTIFICATION:</p> <p>8 DEPOSITION EXHIBIT 66</p> <p>9 10:06 a.m.</p> <p>10 BY MS. SCHULTZ:</p> <p>11 Q. Why did you prepare that document?</p> <p>12 A. This is a page of the book that I was using as</p> <p>13 journaling in December and January of '05-'06. I had</p> <p>14 seen a doctor who had treated me. I think I gave his</p> <p>15 number yesterday when I presented this document for</p> <p>16 the first time, this journal, if you will, for the</p> <p>17 first time. This is Dr. Barry -- we refer to him as</p> <p>18 Dr. M. I saw him once in December of '05. He did a</p> <p>19 treatment on me that was roughly referred to as an</p> <p>20 ancient Chinese energy procedure, and part of the</p> <p>21 process after the procedure -- and it was maybe a</p> <p>22 one-hour procedure. One of the processes which was</p> <p>23 requested of me was to do some journaling of insights</p> <p>24 and observations, if I notice anything different in</p> <p>25 myself or my environment, and this journal represents</p>
<p style="text-align: right;">Page 38</p> <p>1 A. I do play a lot of the public courses. I've got a few</p> <p>2 buddies that belong to other country clubs, one who</p> <p>3 belongs to Meadowbrook Country Club, one who belongs</p> <p>4 to Orchard Lake Country Club, one that belongs to</p> <p>5 Prestwick Country Club. Periodically we go to each</p> <p>6 other's places and there's a lot of nice public</p> <p>7 courses around, too.</p> <p>8 Q. Other than golf, what else do you do nowadays to --</p> <p>9 A. I stay fit. I have a fitness coach that I've been</p> <p>10 seeing since the summer of '05 to keep myself in good</p> <p>11 physical condition. I see my fitness coach twice a</p> <p>12 week when I'm in town. We have an hour and a half</p> <p>13 session when I see him. He's a kickboxing coach by</p> <p>14 trade, so I'm doing a bit of boxing and kicking, a lot</p> <p>15 of sit-ups, a lot of cardiovascular.</p> <p>16 Q. Anything else?</p> <p>17 A. Other hobbies? No.</p> <p>18 Q. What about temple?</p> <p>19 A. I still participate and frequent our family temple,</p> <p>20 the Birmingham Temple in Farmington, Michigan. When</p> <p>21 I'm in town, I make it to Friday night services</p> <p>22 whenever I can and certainly the high holidays. I'm</p> <p>23 in -- I'm in somewhat frequent communication with the</p> <p>24 rabbi. She often just checks in with me. This is</p> <p>25 Rabbi Colton, Tamara Colton. She likes to check in</p>	<p style="text-align: right;">Page 40</p> <p>1 those notes.</p> <p>2 Q. So you prepared Exhibit 66 after Dr. M did the Chinese</p> <p>3 energy procedure?</p> <p>4 A. Yes.</p> <p>5 Q. And do you have any other notes besides what's</p> <p>6 contained in this document?</p> <p>7 A. No.</p> <p>8 Q. And these were prepared in 2005 -- late 2005?</p> <p>9 A. Yes.</p> <p>10 Q. And where did Dr. M do the procedure?</p> <p>11 A. This is in Los Angeles.</p> <p>12 Q. Is it in a doctor's office or was it at some type of</p> <p>13 seminar?</p> <p>14 A. No, it was actually in a doctor's office. I think his</p> <p>15 card actually identifies him as a gastroenterologist,</p> <p>16 but this is clearly something that was outside of what</p> <p>17 he normally does.</p> <p>18 Q. And how did you hear about this?</p> <p>19 A. I have a network of friends that -- I refer to them as</p> <p>20 a community of transformed -- living transformed</p> <p>21 lives, a community of people who I know that -- that's</p> <p>22 the best way I can describe them. We all have had a</p> <p>23 similar experience. We've all gone through a</p> <p>24 workshop, these friends of mine, called Landmark</p> <p>25 Education, which is an educational corporation -- an</p>

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<p style="text-align: right;">Page 41</p> <p>1 international educational corporation that works with 2 people in a seminar setting to have insights and 3 breakthroughs in who they are and what it is that 4 they're up to in life.</p> <p>5 Through that network, I found out about Dr. 6 M and I was referred to him to retrieve or recover 7 myself and my energy that was possibly or -- you know, 8 possibly lost through such a devastating loss as I 9 went through.</p> <p>10 Q. And what is the Chinese energy procedure?</p> <p>11 A. What is it? Interestingly, in the past when anybody 12 has asked me this question, I've -- I haven't shared 13 about it. The concept that was presented to me at the 14 time of the procedure is it is an experiential 15 procedure. The procedure itself, going through it and 16 the experience that I got out of doing the process, 17 was one -- as I say, was one of a unique experience. 18 The concept that was presented to me at the time of 19 the procedure was that if you go and you try to 20 explain what was done, it kind of puts the procedure 21 into a doing as opposed to an experience. So let me 22 preface my answer with I've never shared with anybody 23 what the procedure actually is. I was requested not 24 to -- suggested not to by the doctor.</p> <p>25 I laid on my back. The doctor asked me</p>	<p style="text-align: right;">Page 43</p> <p>1 A. I would say it helped.</p> <p>2 Q. Have you made any additional appointments with Dr. M 3 to --</p> <p>4 A. No.</p> <p>5 Q. How much does something like that cost?</p> <p>6 A. That was a procedure that cost \$1500.</p> <p>7 Q. And how long does it last?</p> <p>8 A.. The process -- the procedure lasts, like I say, I 9 think it was an hour -- hour, hour and a half.</p> <p>10 Q. Interesting. Are you a member of any advocate groups 11 or do you give seminars?</p> <p>12 A. I have done some public speaking.</p> <p>13 Q. And when I ask about -- I mean, you know, as a result 14 of this accident that you started doing things like 15 public speaking?</p> <p>16 A. Right. That's what I'm referring to.</p> <p>17 Q. Can you tell me about it?</p> <p>18 A. The couple public opportunities that I have had to 19 speak in public, not just at the temple where I've 20 been invited to speak to the congregation a couple 21 times on -- either on the Sabbath or even there's a 22 traditional memorial service at the period of the high 23 holidays in my faith where the rabbi had asked me to 24 speak to the congregation.</p> <p>25 The other was a group of high school kids</p>
<p style="text-align: right;">Page 42</p> <p>1 questions of my past, and with some type of -- I want 2 to refer to them as suction cups. I never actually 3 saw them. I was on -- excuse me, I wasn't on my back. 4 I was laying on my stomach with my back up for the 5 procedure -- for the entire procedure, with my shirt 6 off. And these types of suction cups is the best way 7 I can describe what I thought they were, were applied 8 to my back individually and then pulled off at 9 apparently strategic moments during his questions that 10 he was giving me.</p> <p>11 Mainly they were questions about my past 12 and even questions about the crash, about my memories 13 of the boys, about my memories of Judy. They were 14 almost questions of memories that I might have been 15 holding onto, like if they were good memories or bad 16 memories or if I made myself right about what had 17 occurred or wrong for what occurred.</p> <p>18 And there was some physical sensation that 19 went along with the suction cups being applied and 20 taken off such that when the procedure was over and 21 the questions were done being asked, there was clearly 22 this -- the best I could describe it as an awakening, 23 a renewed energy. Yeah, I would definitely call it 24 some type of breakthrough in knowing myself.</p> <p>25 Q. Did it help?</p>	<p style="text-align: right;">Page 44</p> <p>1 in the community from a handful of different high 2 schools got together on the topic of making the right 3 choices in life. Those speaking engagements were 4 mainly in '06, yeah. Those are the two that I 5 remember clearly. Yeah, those are my speaking 6 engagements.</p> <p>7 Q. Are you on Facebook or MySpace or anything like that?</p> <p>8 A. No, I don't have anything posted. I had a number of 9 people request me to be their friends on Facebook, so 10 I have -- I don't really have a page. I have my name 11 there and --</p> <p>12 Q. Did you ignore them?</p> <p>13 A. No. I'm one to say if I know you, you can be my 14 friend.</p> <p>15 Q. Mr. Weinstein, did Judy play golf?</p> <p>16 A. Infrequently.</p> <p>17 Q. Or did she try to play golf?</p> <p>18 A. Yeah. I remember one year when we were still living 19 in the -- in one of our early homes before the kids 20 were born, I believe it was, I would go off and I 21 would play at the local course early in the morning 22 before I would go into work. And they had a frequent 23 player program where you'd get points by how much you 24 play, and if you get enough points you can get things 25 out of the pro shop. I earned enough points to get</p>

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1 her a set of golf clubs so she had her own set of
2 clubs.
3 We would often have -- infrequently, maybe
4 once or twice a year, have family golf outings. We
5 had family golf reunions, if you will, when my parents
6 were still alive, and that would be a time for her to
7 come out and play in kind of a team format, so she
8 played a little infrequently.
9 Q. Let's talk a little bit about your jewelry business.
10 A. Thank you.
11 Q. Are you still operating that business?
12 A. Yes. I have two jewelry shops presently, one in Novi,
13 Michigan, one in Farmington Hills. I am the president
14 of the corporation of the one. I am the -- the other
15 one is not a corporation. The other one I think is an
16 LLC. That doesn't make me the president, that makes
17 me -- I don't know, whatever it makes me. I'm the
18 owner of both of these businesses. They are running
19 as separate businesses and I do have both -- both of
20 these locations doing business daily.
21 Q. Is the name of both of them in Novi and Farmington
22 Hills the same?
23 A. No. One is the -- the main store, as I refer to it,
24 or the signature store in Novi, is called Weinstein
25 Jewelers of Novi, and the one in Farmington Hills I

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1 refer to it and it's called by name Weinstein Jewelers
2 and Loans.
3 Q. Can you give me kind of a history how they came into
4 being and then your role with each store?
5 A.. Sure. I'm a -- I refer to myself as a third-
6 generation jeweler. My grandfather used to work with
7 my father in the family jewelry business in the '50s
8 and '60s. In the '70s when I was able to get to the
9 store by myself, I was employed at my father's jewelry
10 store working as a salesperson and a jeweler.
11 My father, I guess, retired in the early
12 1980s, it seems like, and I went out on my own and
13 created a little business on my own. I saw there was
14 a niche that wasn't being taken care of, kind of a
15 door-to-door or a business-to-business jeweler of
16 trade. The idea actually was to put my jewelry shop
17 in a van, drive it to your place of business and do
18 the work outside your business, bring your merchandise
19 back to you at the end of the day, but it would all be
20 right there at your place of business and it was going
21 to be called Weinstein's On Wheels.
22 It was hard to get the van insured by
23 anybody other than Lloyds of London. They didn't like
24 the idea of a mobile jewelry store, I guess, so I
25 ended up looking at and opening a business, designing

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1 a location in Novi. This would be in 1987 and I
2 called it Weinstein Jewelers of Novi.
3 Q. All right. Were you the sole employee?
4 A. At the time I was the sole employee. I think I hired
5 a manager right out of the box that might help me with
6 books and sales and that person stayed with me for a
7 couple of years. And then I hired another jeweler and
8 I worked the front and did the books a little bit and
9 then I hired another bookkeeper. But for 20 years,
10 basically until the day of the crash, I -- in '05 I
11 pretty much worked -- that would be 18 years I worked
12 the store every day. Again, a jeweler by trade,
13 gemologist, did appraisals, did custom designs for
14 clients, sales. At the time of the crash --
15 Q. Let me ask you something. Before the crash, was it
16 kind of a nine-to-five job for you to go to the store
17 and work?
18 A. Yep.
19 Q. Monday through Friday, Monday through Saturday?
20 A. It was really a Monday through Saturday. Again, I
21 would try to take a day or a half-day if I could to
22 either play golf or just, you know, do business
23 outside of the shop hours.
24 Q. And if you took a day off at the Novi store before the
25 crash, would you basically close down the store for

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1 the afternoon or --
2 A. There was a period of time where we did close one day
3 a week, either being Monday or Wednesday, and that's
4 when I would do it. When I got enough help that they
5 were able to hold the store open on their own, then I
6 would just leave the store and let them run it.
7 Q. Did Judy ever work at the Novi store?
8 A. No.
9 Q. Did she contribute to the business at the Novi store?
10 A. Not as an employee, only as a business coach.
11 Q. Well, what do you mean by that?
12 A. Well, she -- that was her profession by trade. She
13 was a -- she had other clients where she would go in
14 and give them business coaching, basically what we
15 refer to as soft skills: How to work with others, how
16 to set goals, how to motivate yourself and your team.
17 Not so much that she knew about jewelry, but she knew
18 about people and she knew about habits of people.
19 Q. How often would she coach you?
20 A. I think she was -- I think I had her coming into the
21 shop twice a month. I don't think it was weekly. I
22 think it was every other week she would come in and
23 meet with me and the staff and I think that occurred
24 for probably the last two or three years before the
25 crash, '03, '04, that I had her actually as my coach.

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1 Q. And did you pay her for her services?

2 **A. We did pay -- the firm that she had developed, she had**

3 **a partner in that firm. They called it -- well,**

4 **actually she was hired by a company and I hired that**

5 **company, and then she -- that was called VSA, Valenti,**

6 **Smith & Associates. They were based out of New York.**

7 **She went to work for them -- I don't have the date --**

8 **probably '01, '02, something like that -- actually it**

9 **may be a little earlier. And I hired that company for**

10 **her to come in and then she left them and opened up**

11 **her own practice and I kept her on at that time.**

12 Q. And how much would you pay her, or originally the

13 company, VSA?

14 **A. The number of -- yeah, I don't remember. I don't**

15 **remember.**

16 Q. Are we talking more or less than a thousand dollars

17 for her to come in and do this?

18 **A. I'd actually think maybe -- maybe it was \$800 a month.**

19 **I'm --**

20 Q. You're not sure?

21 **A. I'm not sure.**

22 Q. Is it fair to say it's less than a thousand dollars?

23 **A. Yes, yes.**

24 Q. Somewhere less than a thousand?

25 **A. Yes, yes.**

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1 Q. And when she would come in the two times a month or

2 so, how long would she be there?

3 **A. Usually -- sometimes we had two-hour sessions. I**

4 **think mainly we had one-hour sessions.**

5 Q. And then would VSA or Judy's company submit an invoice

6 to the jewelry store and then you would pay it?

7 **A. Right, right.**

8 Q. And are there records of this from Weinstein's that

9 you maintain?

10 **A. Yes.**

11 Q. Would you mind looking for those and providing it to

12 Mr. Guerra?

13 **A. Not at all.**

14 Q. So that's the Novi store --

15 **A. Yep.**

16 Q. -- pre-crash. Now, what about post-crash? And when I

17 ask that, I mean how often are you there? What do you

18 do? Is it nine to five --

19 **A. Yep.**

20 Q. -- Monday through Saturday?

21 **A. I left the store on May the 3rd in '05 when I got the**

22 **call from the hospital that there had been a crash and**

23 **my son was at the hospital, and for the most part, I**

24 **really haven't been working day-to-day since that day.**

25 **I have gone in periodically -- well, certainly I**

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1 **continued meeting with my staff, really once a week in**

2 **'05-'06 and whenever I was in town in '07.**

3 **Once-a-week regular meetings with the staff,**

4 **conference calls, so I was still part of the team, as**

5 **I referred to us, but I wasn't any longer meeting with**

6 **clients or doing jewelry work. I haven't done that**

7 **since the day of the crash.**

8 Q. The Novi location, is that the store you're the

9 president of --

10 **A. Yes.**

11 Q. -- or is that the --

12 **A. No, that's where I'm the president.**

13 Q. And is there a full -- is there a staff at the Novi

14 store that runs the store?

15 **A. Yes. There are three full-time and one part-time**

16 **person there.**

17 Q. Of the people who are there now, are any of them

18 certified jewelers?

19 **A. Certified jewelers? No. The term "certified jeweler"**

20 **is not one that I have. I have what I refer to as a**

21 **master jeweler on the workbench. He's been with me**

22 **some 18 years now. He's -- you know, he's as close to**

23 **being certified as there might be. He can do the**

24 **whole process from design to finish and he was with**

25 **me -- again, prior to the crash we worked hand-in-hand**

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1 **and he's still with me.**

2 Q. Okay. So in any given week, would you be there one

3 day a week, a couple hours a week?

4 **A. Couple hours; again, meeting with the staff,**

5 **periodically accepting opportunities to meet with a**

6 **client, but I found it to be difficult to be at the**

7 **store meeting with clients, talking about things that**

8 **didn't seem to interest me anymore.**

9 Q. Is the Novi store -- tell me the profitability of the

10 Novi store pre-crash versus post-crash.

11 **A. Yeah. Pre- -- before the crash occurred, we were --**

12 **we were -- I would say we were profitable. We were**

13 **holding our own. We weren't -- you know, there was**

14 **certainly debt on the books, but it was manageable.**

15 **We had, again, a good team, good spirit. We were**

16 **working on updating the system to be an electronic**

17 **point of sales system, computerized. We had just got**

18 **everything on the system. We were about ready to roll**

19 **into that -- that opportunity of being, you know,**

20 **current with technology.**

21 **After the crash, I hadn't -- like I say, I**

22 **hadn't really gone back to work. Sixteen weeks after**

23 **the crash, in the middle of the night I got a call**

24 **from my alarm company at the Novi store and the report**

25 **from the alarm company was that my jewelry store**

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<p style="text-align: right;">Page 53</p> <p>1 appears to be on fire. And this was -- this was 2 August of '05, 4:30 in the morning that I got that 3 call, and my jewelry store that morning burned down to 4 the ground. The merchandise was -- all the store 5 merchandise and customer merchandise, for the most 6 part, was safe in the vault, but my design, my 7 fixtures, my -- you know, the store, the walls, the 8 roof was all burned and destroyed.</p> <p>9 It was at that time that I told my staff 10 that I didn't know if and when I had any interest in 11 coming back and being a jeweler or making jewelry or 12 meeting with clients, and I told them I didn't know if 13 I really was interested in rebuilding. They voiced 14 interest in obviously keeping their job and they 15 wanted to continue to serve the customers that they 16 were vigilantly working on establishing and growing in 17 my absence. I honored their request and I spent the 18 rest of '05 and '06 rebuilding, redesigning that 19 location.</p> <p>20 While in that process, we did set up a 21 temporary location in an office center down the block, 22 and yet there was still -- there was one employee that 23 I was unable to continue to have even on my staff as 24 part-time at the temporary location and there was 25 another opportunity that came across my desk. I took</p>	<p style="text-align: right;">Page 55</p> <p>1 Q. You may not have them?</p> <p>2 A.. I may not. I may not because that -- I kept thinking 3 it's on the QuickBooks. Like I've got QuickBooks at 4 home and I can look up anything -- I don't know if 5 that data actually is safe now, come to think about 6 it.</p> <p>7 Q. Okay.</p> <p>8 A. Sorry.</p> <p>9 Q. When you rebuilt the store, I assume insurance covered 10 most of that?</p> <p>11 A. No.</p> <p>12 Q. What happened with the insurance?</p> <p>13 A. It was determined that what I had lost was more 14 extensive than the coverage I had. As it was 15 explained to me after the fire, I had coverage on my 16 fixtures and betterments, which I had as showcases and 17 lighting and computer equipment, even, and that -- 18 that insurance did come in and was paid for by the 19 insurance company and it was probably a quarter, maybe 20 a third of what it actually cost me to rebuild.</p> <p>21 What I -- what the eye-opening experience 22 about my insurance at that time was, there were a 23 number of things that did not go into the vault that 24 you could roughly call -- they weren't fixtures and 25 betterments, they were what I called inventory. But</p>
<p style="text-align: right;">Page 54</p> <p>1 a look at it. It was this other location in 2 Farmington Hills; a jeweler was going out. He 3 presented me with the opportunity to buy out the rest 4 of his lease where he was at and take over his 5 existing location. I thought it was a good 6 opportunity and I went with that at that time. That 7 was in November of '06.</p> <p>8 I opened up what is now known as Weinstein 9 Jewelers and Loans in Farmington Hills. It wasn't 10 until February of '07 that we actually reopened the 11 original location in Novi, you know, redesigned, 12 little nicer fixtures, but with the same committed 13 staff to run it.</p> <p>14 Q. Okay. So it took about a year and a half after the 15 fire to rebuild and reopen the Novi location?</p> <p>16 A. Yep.</p> <p>17 Q. So not much was going on with respect to profitability 18 on the Novi location?</p> <p>19 A. Interestingly not. It was clearly a struggle for 20 them, but in a small, temporary location their 21 overhead was less and with the existing team it was a 22 unique design, a little office, and they were actually 23 able to rebuild the client database, which was quite 24 extensively lost in the fire, records. Your earlier 25 question about do I have --</p>	<p style="text-align: right;">Page 56</p> <p>1 it turns out they weren't technically inventory, they 2 were more technically personal property, and 3 unfortunately those items were not officially insured 4 as they could have been. So things like gift boxes or 5 some parts that I called inventory that had been left 6 outside of the safe, they were not covered because of 7 the amount of the policy.</p> <p>8 Q. So did you incur any out-of-pocket costs -- or how 9 much out-of-pocket costs did you incur to rebuild the 10 store?</p> <p>11 A. In rebuilding the store I spent -- in just rebuilding 12 the structure, putting back up the walls and 13 redesigning the showcases, like I say, I spent 14 probably three times as much as the insurance paid me, 15 including some new fresh inventory that I put into the 16 store. I put in approximately 500,000 in the last 17 three years.</p> <p>18 Q. And insurance paid you what?</p> <p>19 A. 150.</p> <p>20 Q. All right. So it's back in business in February '07. 21 You've now had two years of it in operation, the Novi 22 store. How is it doing money-wise?</p> <p>23 A. Well, it was -- I would say it was fine prior to the 24 downturn in the economy in October of last year. Our 25 numbers up until October, all the way through</p>

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1 September, were strong for the year. Profitability
2 was there. I was still coaching the team
3 periodically. It was probably down to once a month
4 now, but clearly -- even in May of '08, last year, the
5 profitability was there that I gave my full-time
6 employees raises. And again, I was impressed with
7 what they were doing and the way they were producing.
8 Since October of '08, October, November,
9 December, the last quarter was down dramatically,
10 which brought us down for the year -- down for the
11 year, the total gross, and down obviously in
12 profitability also based on that. There's -- looking
13 at just the numbers, it was as though there was no
14 December in the jewelry business as we describe what
15 Decembers are supposed to be, the Christmas season.
16 It looked more on the books like we went from November
17 right to January. There was very little -- very few
18 sales in December.
19 January of this year it actually looked
20 like we were back on a decent track. Numbers
21 rebounded dramatically in January. Now in February
22 and March, the numbers have dropped off again and this
23 morning I'm certainly feeling on edge about the
24 viability of that main location.
25 Q. Did the fire department ever investigate the cause of

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1 the fire?
2 A. Yes.
3 Q. And what did they determine, if you know?
4 A. They determined it was an electrical fire.
5 Q. Caused by what, if you know?
6 A. I just heard it was an electrical fire. I heard they
7 suspected some plugs, but such a fallacy. I know for
8 a fact my jeweler turns that power strip off every
9 night. That's, like, his routine. But I don't
10 know -- they said it was electrical.
11 Q. All right. So you heard about this opportunity about
12 the Farmington Hills location, that you could buy out
13 some other guy there?
14 A. Yep.
15 Q. And did you make that purchase -- when did you make
16 that purchase?
17 A. September of '06.
18 Q. And how much did you buy that location for?
19 A. 55,000. I bought his fixtures and betterments.
20 Q. And how many employees are at that store?
21 A. Two full-time, one part-time.
22 Q. And how often do you spend at that time?
23 A. I don't spend any time at that store.
24 Q. Do you monitor how things are going?
25 A. I do. I get weekly reports and I get monthly balance

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1 sheets.
2 Q. Is the Farmington Hills location doing better than the
3 Novi location?
4 A. Yes.
5 Q. Tell me how.
6 A. They -- they're positioned a little bit more in the
7 pawn and buying end of the jewelry industry and
8 they -- that seems to be the hot button for the
9 jewelry industry right now is buying it back across
10 the counter or loaning cash on the merchandise. And
11 they're able to -- when defaulted or when purchasing
12 it outright, they're able to either turn it over and
13 either melt it or pass it on to a prospective buyer at
14 a considerable discount over what it originally sold
15 for.
16 Q. Is the Farmington Hills location a traditional jewelry
17 store more like Novi or it's more like a pawn shop and
18 resale jewelry shop?
19 A. It's more of a pawn shop/jewelry shop. We only do
20 jewelry.. We don't pawn anything other than fine
21 jewelry. We do have a workbench in there. One of the
22 employees is a jeweler and gemologist also. So it's
23 not quite the custom design studio that the main store
24 is. It's a little bit more nuts and bolts and basic
25 buy back and resell shop.

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1 Q. And you say you have two employees there?
2 A. Yes.
3 Q. And is this operation open five days a week, six days
4 a week?
5 A. We're six days a week there.
6 Q. And nine-to-five type of deal or ten-to-six, something
7 like that?
8 A. Yeah. I think it's ten-to-five. I'm supposed to know
9 this.
10 Q. And other than reviewing the books and making sure
11 everything goes smoothly, you don't have any role in
12 the day-to-day operations?
13 A. No.
14 Q. And what about the viability of the Farmington Hills
15 location; how do you feel about that this morning?
16 A. I'm certainly comfortable in what they're doing. They
17 didn't make much money last year, but they either
18 broke even or lost just a little bit, and in that
19 market, I was pleased with that.
20 Q. Any intentions of opening any other stores or
21 ventures?
22 A. No.
23 Q. Other than going to the Novi store a couple hours a
24 week, do you have any other employment?
25 A. No.

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<p style="text-align: right;">Page 61</p> <p>1 Q. Do you intend to do any other type of employment in 2 the future?</p> <p>3 A. No.</p> <p>4 Q. I want to talk now about Judy's businesses and her 5 employment history, and you've mentioned the VSA --</p> <p>6 A. Yes.</p> <p>7 Q. -- so can you tell me a little bit more about that?</p> <p>8 A. The VSA Corporation -- as I understand, it's a 9 corporation based out of New York, is a consulting and 10 coaching company that is licensed to use a particular 11 methodology or technology in a business environment 12 for coaching. Their agents, one of which Judy was 13 hired in as a coach, was able to go and set up 14 accounts and create a clientele, if you will.</p> <p>15 Q. Is it kind of like an eat-what-you-kill-type business?</p> <p>16 A. I'm sorry?</p> <p>17 Q. Is it an eat-what-you-kill business, meaning you go 18 out and get your own clients and that's how you make 19 money, depending on how many clients you obtain by 20 yourself?</p> <p>21 A. Yes, yes.</p> <p>22 Q. And how long did she do work at the VSA Company?</p> <p>23 A. I recall it being approximately two to three years..</p> <p>24 Q. And I think you said that was around the 2001 time 25 period?</p>	<p style="text-align: right;">Page 63</p> <p>1 seminars. And this VSA would often find which centers 2 around the world, basically, had productive seminar 3 leaders and they would hire them as consultants.</p> <p>4 Q. And was there -- who would her boss be, someone in New 5 York?</p> <p>6 A. Yeah, certainly Ms. Valenti and Smith. I remember 7 meeting them both. I don't recall their first names 8 particularly, but -- yeah.</p> <p>9 Q. And why did she leave VSA?</p> <p>10 A. There was another gentleman who was from this Detroit 11 market that was also being trained and employed by 12 VSA, and Judy and him talked about it, that they could 13 actually buy this license to utilize the technology on 14 their own and open up their own branch here in the 15 Detroit area and create their own clientele, getting 16 away from the big corporation, big company, mother 17 company, if you will, in New York. And that's what 18 they did, and I -- again, I want to say that was 19 probably '02, and in '02, '03, '04, they were in 20 partnership together in a company they called IBE 21 Management.</p> <p>22 Q. Did IBE stand for something?</p> <p>23 A. No, I don't think so.. I don't think so.</p> <p>24 Q. All right. And who was her business partner?</p> <p>25 A. Derone York, Y-o-r-k. Derone.</p>
<p style="text-align: right;">Page 62</p> <p>1 A. Yes, that sounds -- actually, again, it may have been 2 a year or two before that. I don't have those dates 3 in front of me. My recollection is that it was for 4 some three years with them.</p> <p>5 Q. And was that a full-time position for her?</p> <p>6 A. Yes.</p> <p>7 Q. And do you know how much she earned on a yearly basis 8 at VSA?</p> <p>9 A. I don't.</p> <p>10 Q. I would assume there might be some --</p> <p>11 A. I'm sure --</p> <p>12 Q. -- flexibility given, it depends on what kind of 13 clientele you have?</p> <p>14 A. Right, right. I'm certain I have records of that. In 15 fact, you have income -- I presented income tax 16 returns, speaking of '02 -- or '01, '02. She may have 17 still been employed with VSA.</p> <p>18 Q. Did Judy's income from VSA support you?</p> <p>19 A. It was -- we needed to both be working and bringing in 20 an income to support lifestyle.</p> <p>21 Q. And how did she hear about this VSA?</p> <p>22 A. She was -- again, mentioning Landmark Education, she 23 had developed the skills that Landmark teaches and 24 presents and she became a -- what they refer to as a 25 seminar leader within that group where she would lead</p>	<p style="text-align: right;">Page 64</p> <p>1 Q. And did her role in IBE Management, was that similar 2 to what she did at VSA except that she owned her own 3 business?</p> <p>4 A. Yes.</p> <p>5 Q. And did she have -- how did she go around getting 6 clientele?</p> <p>7 A. I would say it was also through that same network 8 around Landmark Education. I know that there was some 9 policy around Landmark that you couldn't come in and 10 solicit other seminarians, people who are in your 11 seminar at the Landmark center or office, if you will, 12 but if you found them another way, through other 13 means, you could solicit them.</p> <p>14 And she ended up with some big companies. 15 I think for a while there she was coaching -- she was 16 doing a lot of coaching out at Chrysler Headquarters 17 here in Auburn Hills, Michigan, and in '04 she landed 18 a contract with EDS, an international corporation, to 19 coach a team of their upper management, to the point 20 where by the time it got to early '05, they actually 21 invited her and paid her way, along with one of her 22 new associates, to come to Germany and coach some of 23 the affiliates with EDS in Germany.</p> <p>24 Q. Okay.</p> <p>25 A. By that time she had already separated from Derone</p>

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<p style="text-align: right;">Page 65</p> <p>1 York and created her IBE as being her own company.</p> <p>2 Q. Was that a -- did she buy him out?</p> <p>3 A. Yes.</p> <p>4 Q. Was that a contentious separation?</p> <p>5 A. Contentious?</p> <p>6 MR. LAKRITZ: Disputed?</p> <p>7 THE WITNESS: It was.</p> <p>8 BY MS. SCHULTZ:</p> <p>9 Q. What happened?</p> <p>10 A. It turned out that Derone York used the company credit</p> <p>11 card to purchase a number of personal items with. She</p> <p>12 saw this as direct stealing and was -- and not only</p> <p>13 was she able to, she was willing to separate from him</p> <p>14 and absorb the expenses that he had incurred. So in</p> <p>15 the separation, basically she got all the debt that he</p> <p>16 incurred. She did re-up or maintain the business</p> <p>17 license in her own name and the technology license</p> <p>18 that she was currently using, so now at the end of '04</p> <p>19 it became her own company as a sole proprietor.</p> <p>20 Q. When she separated from York and became a sole</p> <p>21 proprietor, do you know how her company was</p> <p>22 profitable, how much she made? I mean, I can look at</p> <p>23 the tax returns, but I'm just asking if you know.</p> <p>24 A. I have it that she was quite profitable. The four</p> <p>25 months of '05 prior to the crash, again, having gone</p>	<p style="text-align: right;">Page 67</p> <p>1 A. Worked out of the home.</p> <p>2 Q. And I take it she would probably travel when she met</p> <p>3 with clients and things like that?</p> <p>4 A. She didn't want to be traveling too much, but</p> <p>5 certainly for the big companies she did. I know she</p> <p>6 took a couple trips down to Texas and worked with a</p> <p>7 firm. And then, like I say, the Germany, she would</p> <p>8 often go to training sessions, seminars, either in</p> <p>9 Toronto or in LA, with other affiliates who had the</p> <p>10 technology.</p> <p>11 Q. And when she worked out of the home, would she work</p> <p>12 from -- what hour to what hour?</p> <p>13 A. Sometimes she'd work in the evening, but mostly she</p> <p>14 kept it during the day stuff so she'd be available for</p> <p>15 the kids.</p> <p>16 Q. So was it a combined job of being a stay-at-home mom</p> <p>17 plus working -- splitting her time with IBE</p> <p>18 Management?</p> <p>19 A. I wouldn't necessarily refer to her as a stay-at-home</p> <p>20 mom. I never referred to her as that. She was always</p> <p>21 working. She was always motivated to be in</p> <p>22 communication, coaching people, even if it wasn't her</p> <p>23 pro- -- even if she wasn't doing it professionally.</p> <p>24 She had a network of friends either from the Landmark</p> <p>25 network or family members. She was a good talker.</p>
<p style="text-align: right;">Page 66</p> <p>1 off to Germany and working with that big client and</p> <p>2 having a handful of small clients that she had, she</p> <p>3 had brought in -- it's my recollection she had brought</p> <p>4 in some 80,000 -- brought home some \$80,000 in just</p> <p>5 that first four months is my recollection of the cash</p> <p>6 flow that was occurring in the corporation.</p> <p>7 Q. That 80,000 or so, is that gross?</p> <p>8 A. I believe it was gross. I think there was some taxes</p> <p>9 to be paid on that money, but I have the recollection</p> <p>10 that that was the round number that she actually made</p> <p>11 the beginning of that year.</p> <p>12 Q. How did the 2005 year compare to her profitability in</p> <p>13 prior years?</p> <p>14 A. Well, certainly those first four months is all I can</p> <p>15 base it on --</p> <p>16 Q. Sure.</p> <p>17 A. -- but it was markedly better. Again, not only didn't</p> <p>18 she have a partner or an employer that was taking a</p> <p>19 share of it and yet she was still doing just as much</p> <p>20 work as she was doing before. So it was more</p> <p>21 profitable. She had been in conversations about going</p> <p>22 back and going more abroad with EDS to work with</p> <p>23 all -- with more upper managements.</p> <p>24 Q. Did she have an office or did she work out of the</p> <p>25 house?</p>	<p style="text-align: right;">Page 68</p> <p>1 Again, she was a lawyer by trade, even</p> <p>2 though she wasn't really practicing law but for a few</p> <p>3 years after law school, and she just had one of those</p> <p>4 abilities to communicate and express herself and see</p> <p>5 the beauty in people and in life and was able to serve</p> <p>6 people in that expression.</p> <p>7 Q. How many hours would you say she worked professionally</p> <p>8 a day as opposed to either taking care of the kids or</p> <p>9 giving a seminar just on a personal level?</p> <p>10 A. I would guess she worked eight hours a day. You know,</p> <p>11 I know that she would try to stay fit. She always</p> <p>12 tried to schedule going to the gym. Again, seeing her</p> <p>13 chiropractor at least once a week. I know she took</p> <p>14 good care of herself and yet sometimes, often when she</p> <p>15 was working at the Chrysler headquarters out in Auburn</p> <p>16 Hills, it was a 4:30, 5:00 start. You know, she'd</p> <p>17 have to be out there by six, 6:30 in the morning, so</p> <p>18 sometimes very early starts, but she might have been</p> <p>19 done by noon and then maybe put some more hours in</p> <p>20 late in the afternoon before the kids got home from</p> <p>21 school or late in the evening working on documents and</p> <p>22 coaching people either on the phone or at their places</p> <p>23 of business. So I'm sure it was at least eight hours</p> <p>24 a day, probably seven days a week.</p> <p>25 Q. Was the IBE Management business sold after the</p>

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<p style="text-align: right;">Page 69</p> <p>1 accident?</p> <p>2 A. No, the business was not sold. There wasn't really a</p> <p>3 business to sell. What there was was the technical</p> <p>4 license that was the asset, if you will. It's a</p> <p>5 \$25,000 license which her and her partner originally</p> <p>6 bought and now she was on her own. There was still</p> <p>7 the bank note to pay for that license and so the only</p> <p>8 thing I really had as something to dispose of, there</p> <p>9 was one employee that she had at the time of the crash</p> <p>10 that she had been mentoring and like I said went to</p> <p>11 Germany with her on that coaching session to EDS in</p> <p>12 Germany, so she had this one employee that was being</p> <p>13 nurtured by her.</p> <p>14 She was someone who I needed to not just</p> <p>15 let go, as I saw it, and I negotiated with another --</p> <p>16 they're referred to as a technical firm, another firm</p> <p>17 using the license, to actually hire this woman away</p> <p>18 from IBE -- the company. So then I had no more</p> <p>19 liability, if you will, for an employee.</p> <p>20 There was some kind of an agreement with</p> <p>21 this new employer for this new employee -- or this old</p> <p>22 employee that we had and there was an agreement</p> <p>23 between him and I about the value that the new</p> <p>24 employee that he was getting was going to be and some</p> <p>25 back pay that she might have been owed based on hours</p>	<p style="text-align: right;">Page 71</p> <p>1 Does that refresh your memory on what happened with</p> <p>2 IBE Management? And I may be interpreting it wrong.</p> <p>3 Just let me know.</p> <p>4 A. I don't know -- that IBE was sold for --</p> <p>5 Q. There's an inventory filed regarding IBE Management</p> <p>6 which would suggest it was sold for \$510,000.</p> <p>7 A. I believe that was -- at the time of the crash there</p> <p>8 was insurance on Judy of -- a \$500,000 policy. This</p> <p>9 is -- as being the beneficiary of her estate was a</p> <p>10 policy that I collected on. That was the amount that</p> <p>11 I got from the company based on that policy.</p> <p>12 Q. So she was insured through IBE and had an insurance</p> <p>13 policy around \$510,000?</p> <p>14 A. Yes.</p> <p>15 Q. And that's what you think this is?</p> <p>16 A. Yes, absolutely..</p> <p>17 Q. All right. That makes sense to me. Has anyone closed</p> <p>18 down IBE Management or done the paperwork with the</p> <p>19 State of Michigan to wind up the business?</p> <p>20 A. Yes.</p> <p>21 Q. Did you do that?</p> <p>22 A. Yes.</p> <p>23 Q. When did you do that?</p> <p>24 A. I think it got completed in '06. I think the last</p> <p>25 return was '06. I don't think we did it in '07. I</p>
<p style="text-align: right;">Page 70</p> <p>1 that she had billed that hadn't been resolved at the</p> <p>2 time of the crash.</p> <p>3 So the new employer, whose name you have is</p> <p>4 Mark Kamin & Associates out of Texas -- Houston,</p> <p>5 Texas, I believe it is, and that employee's name is</p> <p>6 Susan Gauthier. Susan Gauthier I continued to employ</p> <p>7 as my business coach after the crash all the way</p> <p>8 through last year of '08; at the very minimum, monthly</p> <p>9 calls with her setting goals and targets for my</p> <p>10 businesses and how my management skills are and how my</p> <p>11 mentoring skills are with my staff.</p> <p>12 She, again, used this methodology, this</p> <p>13 technology from her now new employer, using the same</p> <p>14 type of formula, if you will, that Judy had been using</p> <p>15 with VSA and IBE Management. She, this Susan</p> <p>16 Gauthier, now being employed by Mark Kamin &</p> <p>17 Associates, was now my coach, and like I say, I</p> <p>18 utilized her on a monthly basis through last year.</p> <p>19 This year I've cut back on my coaching with</p> <p>20 her to four times this year, but still I'm in a</p> <p>21 relationship -- a business relationship with Mark</p> <p>22 Kamin & Associates being coached by his firm through</p> <p>23 Susan Gauthier.</p> <p>24 Q. There's a reference in the probate file that suggests,</p> <p>25 in my interpretation, that IBE was sold for \$510,000.</p>	<p style="text-align: right;">Page 72</p> <p>1 think it was '06.</p> <p>2 Q. Judy went to Michigan State?</p> <p>3 A. Yes.</p> <p>4 Q. And do you remember her major?</p> <p>5 A. Well, I know she was a -- I want to say she was a law</p> <p>6 major and a social work minor. She actually went to</p> <p>7 Michigan State as an undergrad and then went to</p> <p>8 Detroit College of Law for law school.</p> <p>9 Q. And you said she practiced a couple years?</p> <p>10 A. Yes. She had an employer -- a couple of employees --</p> <p>11 a couple of employers that had hired her as an</p> <p>12 associate to their firms. I don't recall their names.</p> <p>13 It was only for a year or so at a stint, then she even</p> <p>14 tried opening up her own -- hanging out her own</p> <p>15 shingle, but left the practice, not enjoying the</p> <p>16 arguing that apparently lawyers have to do sometimes.</p> <p>17 Q. Sometimes.</p> <p>18 A. She found her niche in conflict resolution and that</p> <p>19 was one of her main platforms that she was working on</p> <p>20 with Chrysler, developing this format of conflict</p> <p>21 resolutions.</p> <p>22 Q. And when did she obtain her law degree from U of D?</p> <p>23 A. It was probably '85. It was the year before we</p> <p>24 married I think she got her degree.</p> <p>25 Q. All right. So she worked as a lawyer a year or so</p>

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<p style="text-align: right;">Page 73</p> <p>1 after she graduated and then VSA started around 2001. 2 What did she do in between? 3 A. Like I say, these other -- well, again, I know she 4 worked with those other attorneys as an employee. 5 Then after she hung out her shingle and stopped doing 6 that, what she went and did, and I'm guessing she did 7 this for three or five years, is she went on staff 8 with this Landmark Education and was what they call an 9 enrollment manager or -- yeah, I guess that's what she 10 was. She was enrollment manager at Landmark Education 11 Detroit office. 12 Q. How many years did she do that? 13 A. Like I say, I think it was three or four, maybe it was 14 five. I don't have the dates. 15 Q. And she was paid for that? 16 A. Yes. 17 Q. Do you know what she was paid? 18 A. No. 19 Q. As far as money you've received as a result of this 20 accident, we just talked about the \$510,000 from IBE 21 Management and then is there an additional \$500,000 22 related to a trust? 23 A. Yes. I have it as it was life insurance. 24 Q. Okay. 25 A. Right.</p>	<p style="text-align: right;">Page 75</p> <p>1 A. Liberty Mutual? I assume that's the company that 2 Wellinger was employed -- I don't think I knew the 3 name of the company. 4 Q. Liberty Mutual, my understanding, is an insurance 5 company. They did the excess -- they had the umbrella 6 policy. 7 A. That Wellinger had? 8 Q. Correct. 9 A. I didn't know the name of the company. 10 Q. And that was a million dollars? 11 A. Yes. 12 Q. And then there was a settlement with Mr. Wellinger 13 himself for \$117,000 and some change? 14 A. Yes. 15 Q. And it's my understanding from reading the settlement 16 agreement, and I have it here, Mr. Weinstein, if you 17 need to see it, that as part of the settlement with 18 Mr. Wellinger personally, there's an agreement not to 19 sue him? 20 A. Uh-huh. 21 Q. Setting aside any discussions you may have had with 22 your lawyers, I'm curious as to why you made that 23 agreement. 24 MR. GUERRA: Objection. Mr. Weinstein, let 25 me just instruct you that to the extent any of your</p>
<p style="text-align: right;">Page 74</p> <p>1 Q. And then there was an annuity policy for about 2 \$29,000? 3 A. Annuity policy? Yes. I don't recall that exactly. 4 Q. Do you remember an amount of \$29,000? 5 A. Vaguely. 6 Q. Let me show you this document. It might help. It's a 7 letter from Mass Mutual addressed to your lawyer, 8 dated May 18th, 2005, which I'll be marking as Exhibit 9 67. 10 MARKED FOR IDENTIFICATION: 11 DEPOSITION EXHIBIT 67 12 11:08 a.m. 13 THE WITNESS: Yeah, I'm not sure exactly 14 what an annuity policy was. The number does look 15 familiar and I don't question that I received it. I 16 just don't recall it specifically. 17 BY MS. SCHULTZ: 18 Q. Okay. And I guess there's an IRA from Goldman Sachs, 19 25 grand? 20 A. Sounds feasible. 21 Q. And then two education savings accounts with respect 22 to Alex and Sam. Alex's is 63,000, Sam 49,000? 23 A. Yes. 24 Q. And then there's a settlement with Liberty Mutual for 25 a million dollars?</p>	<p style="text-align: right;">Page 76</p> <p>1 decision involved advice that you sought from Counsel 2 and advice that was given to you by Counsel, that 3 information is protected by the attorney-client 4 privilege. If there's something outside of that that 5 you know about, then you may answer the question. 6 A. No, I don't. 7 BY MS. SCHULTZ: 8 Q. So -- 9 A. I don't -- 10 Q. Nothing outside of what your lawyer has told you 11 regarding the agreement not to sue Mr. Wellinger you 12 have no knowledge of? 13 A. No. 14 Q. Do you have any understanding of whether there's money 15 set aside for Mr. Wellinger's defense if he's brought 16 as a defendant in this case? 17 A. I believe we did make sure there was -- the number I 18 recall is maybe 10,000. I don't recall exactly the 19 number, but I recall that we did make sure something 20 was set aside. 21 Q. Do you have an understanding of who would be 22 representing Mr. Wellinger if he's brought in as a 23 defendant in the lawsuit? 24 A. No. 25 Q. Mr. Weinstein, have you had any discussions with any</p>

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<p style="text-align: right;">Page 77</p> <p>1 UGS Siemens employees about the accident?</p> <p>2 A. No.</p> <p>3 Q. Have you had any discussions with any individual who</p> <p>4 may have witnessed the accident?</p> <p>5 A. Will you please ask the question again?</p> <p>6 Q. Sure. Have you ever talked to anybody who may have</p> <p>7 witnessed the accident?</p> <p>8 A. Yes.</p> <p>9 Q. Tell me about that.</p> <p>10 A. There was -- in one of the other cars that was</p> <p>11 involved in the crash there was a Linda Glass, who</p> <p>12 also belongs to the temple where I belong. She was</p> <p>13 one of the other cars involved in the crash. I have</p> <p>14 met with her a few times over the course of '05, '06,</p> <p>15 even '07, and she has shared with me her recollection</p> <p>16 of the experience of that day.</p> <p>17 Q. Can you tell me what she told you?</p> <p>18 A. The vivid memory that I have of her communication was</p> <p>19 that when the noise stopped, she opened her eyes and</p> <p>20 Judy was looking from her car right towards Linda in</p> <p>21 her car, but clearly she wasn't moving. Linda shared</p> <p>22 the story with me that she got out of her car and went</p> <p>23 over and -- I have the recollection that she shared</p> <p>24 with me that she closed Judy's eyes, recognizing that</p> <p>25 she had died.</p>	<p style="text-align: right;">Page 79</p> <p>1 me that he hadn't seen his son in over a year because</p> <p>2 he was underage and they wouldn't let him into the</p> <p>3 jail to see his dad. And I replied that I hadn't seen</p> <p>4 my boys in a year either.</p> <p>5 Mr. Wellinger seemed to be remorseful and</p> <p>6 wanted apparently to assist me and my Counsel in</p> <p>7 whatever way he could to create closure, you know, or</p> <p>8 whatever he could to help me grieve, I guess.</p> <p>9 Q. Was that the only discussion you had with him</p> <p>10 one-on-one?</p> <p>11 A. Yes.</p> <p>12 Q. Other than a discussion with Ms. Glass and excluding</p> <p>13 any conversations you had with your lawyers, I take it</p> <p>14 you have no personal knowledge of the accident, what</p> <p>15 happened or how it happened?</p> <p>16 A. No.</p> <p>17 Q. I also take it you have no personal knowledge of the</p> <p>18 circumstances of when Mr. Wellinger left UGS on the</p> <p>19 day of the accident?</p> <p>20 A. No.</p> <p>21 MS. SCHULTZ: Mr. Weinstein, I thank you</p> <p>22 for your time. I don't have any other questions for</p> <p>23 you..</p> <p>24 MR. GUERRA: We'll reserve our questions</p> <p>25 until the time of trial.</p>
<p style="text-align: right;">Page 78</p> <p>1 She had also shared with me, without much</p> <p>2 detail, the condition that she saw my son Alex to be</p> <p>3 in, which was -- I can roughly recall my memory of</p> <p>4 what she communicated to me was flat. He was riding</p> <p>5 in the front seat of the car and apparently the</p> <p>6 vehicle of Mr. Wellinger had basically run him over</p> <p>7 while sitting in his seat in the car. And she also</p> <p>8 shared with me her memory of seeing my son Sam and</p> <p>9 where he was ejected to, and in a vivid memory</p> <p>10 described to me from her of how he looked, how he laid</p> <p>11 on the ground.</p> <p>12 Q. Thank you. Mr. Weinstein, have you had any</p> <p>13 discussions with Tom Wellinger? And I think you may</p> <p>14 have been present for one of his statements, but I</p> <p>15 mean a face-to-face, one-on-one conversation?</p> <p>16 A. Yes. I have it that it was a year after the crash, so</p> <p>17 it must have been around May of '06. I believe that</p> <p>18 was the time that I met him. He was still -- he was</p> <p>19 at the Oakland County jail and that was the first time</p> <p>20 I had ever met him. He -- when I met him,</p> <p>21 instinctively I wondered -- knowing that he had a</p> <p>22 couple of children, I just asked him -- after my</p> <p>23 Counsel asked me if I had any questions for him, I</p> <p>24 asked Mr. Wellinger how his kids are. And my memory</p> <p>25 of the moment was a tear came to his eye and he told</p>	<p style="text-align: right;">Page 80</p> <p>1 MS. SCHULTZ: Mr. Guerra was kind enough to</p> <p>2 bring me the tax returns for 2005, 2004, 2003, 2002,</p> <p>3 2001 and 2006 and 2007, and I'm not going to mark them</p> <p>4 as exhibits, but I have them. Thank you.</p> <p>5 MR. GUERRA: Thank you.</p> <p>6 MR. LAKRITZ: Thank you.</p> <p>7 (The deposition was concluded at 11:25 a.m.</p> <p>8 Signature of the witness was not requested by</p> <p>9 counsel for the respective parties hereto.)</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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<p style="text-align: right;">Page 81</p> <p>1 CERTIFICATE OF NOTARY 2 STATE OF MICHIGAN) 3) SS 4 COUNTY OF OAKLAND) 5 6 I, AMY C. CALKINS, a Notary Public in 7 and for the above county and state, do hereby 8 certify that the above deposition was taken before 9 me at the time and place hereinbefore set forth; 10 that the witness was by me first duly sworn to 11 testify to the truth, and nothing but the truth; 12 that the foregoing questions asked and answers made 13 by the witness were duly recorded by me 14 stenographically and reduced to computer 15 transcription; that this is a true, full and correct 16 transcript of my stenographic notes so taken; and 17 that I am not related to, nor of counsel to either 18 party nor interested in the event of this cause. 19 20 21 22 _____ 23 AMY C. CALKINS, CSR 3593 24 Notary Public, 25 Oakland County, Michigan My Commission expires: January 19, 2014</p>	

CERTIFICATE OF NOTARY

STATE OF MICHIGAN)

) SS

COUNTY OF OAKLAND)

I, AMY C. CALKINS, a Notary Public in
and for the above county and state, do hereby
certify that the above deposition was taken before
me at the time and place hereinbefore set forth;
that the witness was by me first duly sworn to
testify to the truth, and nothing but the truth;
that the foregoing questions asked and answers made
by the witness were duly recorded by me
stenographically and reduced to computer
transcription; that this is a true, full and correct
transcript of my stenographic notes so taken; and
that I am not related to, nor of counsel to either
party nor interested in the event of this cause.



AMY C. CALKINS, CSR-3593

Notary Public,

Oakland County, Michigan

My Commission expires: January 19, 2014

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